

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference AJLIR/5090	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/04039	International filing date (day/month/year) 19.09.2003	Priority date (day/month/year) 23.09.2002
International Patent Classification (IPC) or both national classification and IPC A61J9/00		
Applicant Baby Innovations & Marketing... et al.		



- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☐ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 21.04.2004	Date of completion of this report 29.12.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Cametz, C Telephone No. +31 70 340-3434 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB 03/04039

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-10 as originally filed

Claims, Numbers

1-40 received on 29.10.2004 with letter of 28.10.2004

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:
- ☐ the entire international application,
 - ☒ claims Nos. 1-40
- because:
- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
 - ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1-40 are so unclear that no meaningful opinion could be formed (*specify*):
see separate sheet
 - ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
 - ☐ no international search report has been established for the said claims Nos.
2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:
- ☐ the written form has not been furnished or does not comply with the Standard.
 - ☐ the computer readable form has not been furnished or does not comply with the Standard.

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Newly filed claim 1 does not consist in the combination of originally filed claims 1 and 29, but just corresponds to originally filed claim 35.

Nevertheless, originally filed claim 35 belongs to the second group of invention, as defined in the International Search Report, and for which no additional examination fees have been paid during the PCT chapter II procedure.

Therefore, an examination of the newly filed claims cannot be performed.

Furthermore, the newly filed claims are not clear (Article 6 PCT).

In particular, a lack of clarity arises in that claim 2 refers to the bottle comprising components that are stackable in set of the components, while claim 3 refers to the container bodies being stackable one within the other. It is therefore not clear and difficult, if not impossible, to understand which of the parts of the bottle (i.e. "components") or of the container bodies should have the ability of being stackable. Additionally, the use of the terms: "**components** that are stackable" in claim 2, are vague and unclear, and leave the reader in doubt as to the meaning of the technical features to which they refer, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them.

CLAIMS

1. A feeding bottle for babies or young children comprising a container body and a closure therefor, wherein the container body before use has a cover protecting the interior thereof.
2. A feeding bottle as claimed in claim 1, wherein the bottle comprises components that are stackable in sets of the components.
3. A feeding bottle as claimed in claim 1 or 2, wherein the cover extends into the container body, whereby container bodies are stackable one within the other.
4. A feeding bottle as claimed in claim 1, 2 or 3, wherein the cover is adhered to the rim of the container body at its open end.
5. A feeding bottle as claimed in any one of claims 1 to 4, wherein the cover is made of flexible plastics material.
6. A feeding bottle as claimed in any one of claims 1 to 5, wherein the cover is non-stick relative to the material of the container body.
7. A feeding bottle as claimed in any one of claims 1 to 6, wherein the cover is made of polystyrene.
8. A feeding bottle as claimed in any one of claims 1 to 7, wherein the bottle comprising a container body and a closure therefor, is provided as a stack of container bodies one within the other and a stack of closures on top of each other.
9. A feeding bottle as claimed in claim 8, wherein the closure component

includes a teat for the bottle.

10. A feeding bottle as claimed in claim 9, wherein the teat is a separable component.
11. A feeding bottle as claimed in claim 10 further comprising means for locking the teat in place.
12. A feeding bottle as claimed in claim 11, wherein the locking means comprises a locking ring to clamp a flange of the teat between the closure and the ring.
13. A feeding bottle as claimed in claim 9, wherein the teat is bonded or co-molded to the closure.
14. A feeding bottle as claimed in claim 9, wherein the teat is attached to one end of the container body and a closure is attachable to the opposite end of the body.
15. A feeding bottle as claimed in any one of claims 9 to 14, wherein a cap is provided for protecting the teat.
16. A feeding bottle as claimed in claim 15, wherein the cap is a press-fit over the teat onto the closure or sides of the body.
17. A feeding bottle as claimed in any one of claims 1 to 7, wherein the bottle has a closure having a drinking spout.
18. A feeding bottle as claimed in claim 17, wherein the spout has a slit for a drinking opening.
19. A feeding bottle as claimed in claim 17 or 18, wherein the spout is situated close to an edge of the closure.

20. A feeding bottle as claimed in claim 17, 18 or 19, wherein the closure has a vent.
21. A feeding bottle as claimed in claim 20, wherein the vent is in the form of a slit.
22. A feeding bottle as claimed in claim 20 or 21, wherein the vent is in a depression of the closure.
23. A feeding bottle as claimed in claim 20, 21 or 22, wherein the vent slit is shorter than the slit of the drinking spout.
24. A feeding bottle as claimed in any one of claims 17 to 23, wherein the spout is co-moulded onto the closure.
25. A feeding bottle as claimed in claim 24, wherein the vent is co-moulded onto the closure.
26. A feeding bottle as claimed in any one of claims 8 to 25, wherein the closure is a screw cap.
27. A feeding bottle as claimed in any one of claims 8 to 26, wherein the closure is non-removable once the bottle has been filled.
28. A feeding bottle as claimed in claim 27, wherein the closure and container include a ratchet mechanism.
29. A feeding bottle as claimed in any one of claims 8 to 25, wherein the closure is a snap-fit onto the body.
30. A feeding bottle as claimed in claim 29, wherein a formation is provided on the body to inhibit removal of the closure.
31. A feeding bottle as claimed in claim 30, wherein said formation is a rib or

the like to inhibit levering off of the closure.

32. A feeding bottle as claimed in claim 31, wherein the rib extends outwards to be substantially coterminous with the outer extent of the closure.

33. A feeding bottle as claimed in any one of claims 8 to 25, wherein the closure is adapted or arranged to form a fluid tight seal with the container body.

34. A container body for a feeding bottle for babies or young children, wherein the container body before use has a cover protecting the interior thereof.

35. A container body as claimed in claim 34, wherein the cover extends into the container body, whereby container bodies are stackable one within the other.

36. A container body as claimed in claim 34 or 35, wherein the cover is adhered to the rim of the container body at its open end.

37. A container body as claimed in claim 34, 35 or 36, wherein the cover is made of flexible plastics material.

38. A container body as claimed in any one of claims 34 to 37, wherein the cover is non-stick relative to the material of the container body.

39. A container body as claimed in any one of claims 34 to 38, wherein the cover is made of polystyrene.

40. A package comprising a stack of container bodies as claimed in any one of claims 34 to 39 and a stack of closures therefor in sterile condition.